

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

July 22, 2011

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National
Monument Conservation and Management Permit to Dr. Kelly Gleason for Access to State
Waters to Conduct Maritime Heritage Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to Dr. Kelly Gleason, Maritime Archaeologist, of the National Oceanic and Atmospheric Administration (NOAA), Papahānaumokuākea Marine National Monument, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The conservation and management permit, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island
- Necker Island (Mokumanamana)
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island
- Pearl and Hermes Atoll
- Kure Atoll

The activities covered under this permit would occur between August 1, 2011 and October 31, 2011. This work would build upon investigation from previous years and is a renewal of work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The applicant proposes to conduct the following maritime heritage activities:

- 1) non-invasive wreck site assessment surveys;
- 2) non-invasive remote sensing and snorkeler towboard surveys of high potential wreck site areas; and
- 3) monitoring of known shipwreck and sunken aircraft sites for the purpose of understanding impacts and changes to maritime heritage sites.

- 4) removing of data recorders from known shipwreck and sunken aircraft sites for the purposes of monitoring habitat conditions.

The first proposed activity refers to a detailed investigation of a single wreck or archaeological site, while the second would be a broader search for previously unlocated and undiscovered resources. During the site assessments, divers would deploy a temporary baseline, replicating previous surveys by attaching the baseline to fixed stainless steel datums. Survey tapes would be used to triangulate the position of all artifacts in reference to the fixed line. Artifacts and features would be temporarily tagged with numbers and photographed in-place. Remote sensing surveys, the second activity, would be conducted by a surface vessel towing a side scan sonar. Diver tow boarding may be used to supplement this activity in certain areas. The third activity of monitoring for changes in site/environmental data is a secondary objective of the proposed work. Monitoring would employ the same methods used for the site surveys. The fourth activity would be an extension of the third, but would require the removal of instrumentation which has been monitoring site conditions for download and analysis.

The activities proposed by the applicant directly support the Monument Management Plan's priority management needs 3.1 – Understanding and Interpreting the NWHI (through action plan 3.1.4 – Maritime Heritage). These activities contribute to ongoing maritime heritage survey and inventory efforts within the Monument.

The activities described above may require the following regulated activities to occur in State waters:

- ☒ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

REVIEW PROCESS

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 10th, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Comments received from the scientific community are summarized as follows:

Scientific reviews support the acceptance of this application. The following question was raised during the review process:

Magnetometers attract sharks and are frequently attacked by them. Additional detail should be included in the application to explain how such interactions will affect sharks that could be incited to aggressive behavior...

The Applicant states that she would not be using a magnetometer in 2011 and would use a hand-held metal detector. She is not aware of any evidence or reporting of magnetometers attracting sharks and is interested in seeing any published evidence of this nature. She has conducted hundreds of days of magnetometer operations in the NWHI and elsewhere and has never witnessed any sharks attracted to a magnetometer. Perhaps the reviewer may be mistaking magnetometers for another tool (i.e., sonar). Magnetometers do not emit noise, which is usually what attracts sharks.

Comments received from the Native Hawaiian community are summarized as follows:

Cultural reviews support the acceptance of this application.

Comments received from the public are summarized as follows:

No comments were received from the public on this application.

Additional reviews and permit history:

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes ☒ No ☐

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- A Section 106 NHPA consultation has been initiated and is in process.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT PERMIT TO DR. KELLY GLEASON OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION PAPHANAUMOKU AKEA MARINE NATIONAL MONUMENT FOR ACCESS TO STATE WATERS TO CONDUCT MARITIME HERITAGE ACTIVITIES UNDER PERMIT PMNM-2011-024")

Has Applicant been granted a permit from the State in the past? Yes ☒ No ☐

If so, please summarize past permits:

- The Applicant was granted permits PMNM-2008-037, PMNM-2009-028, and PMNM-2010-016, for this work in 2008, 2009, and 2010 respectively. In addition, similar work has been conducted under State and Monument permits issued to Dr. Hans Van Tilburg since 2006.

Have there been any a) violations: Yes ☐ No ☒
 b) Late/incomplete post-activity reports: Yes ☐ No ☒

Are there any other relevant concerns from previous permits? Yes ☐ No ☒

STAFF OPINION

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for her application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Conservation and Management Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

MONUMENT MANAGEMENT BOARD OPINION

The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed permit actions:

1. That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. That the Board authorize and approve a Conservation and Management Permit to Dr. Kelly Gleason of the National Oceanic and Atmospheric Administration (NOAA), Papahānaumokuākea Marine National Monument with the following special conditions:
 - a. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
 - b. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
 - c. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.

- d. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,


for Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson

**Papahānaumokuākea Marine National Monument
CONSERVATION AND MANAGEMENT Permit Application**

NOTE: *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

ADDITIONAL IMPORTANT INFORMATION:

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

nwhipermit@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

**SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR
ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.**

Papahānaumokuākea Marine National Monument Permit Application Cover Sheet

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

Summary Information

Applicant Name: Dr. Kelly Gleason

Affiliation: Papahānaumokuākea Marine National Monument

Permit Category: Conservation and Management

Proposed Activity Dates: 4/1/2011-10/1/2011

Proposed Method of Entry (Vessel/Plane): Vessel

Proposed Locations: Nihoa, Mokumanamana, Lisianski, French Frigate Shoals, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll, Laysan, Maro Reef

Estimated number of individuals (including Applicant) to be covered under this permit: 4
Estimated number of days in the Monument: 70

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...

The annual PMNM maritime heritage survey will conduct activities to fulfill Monument management activities including: 1) non-invasive wreck site assessment survey of selected maritime heritage sites; 2) non-invasive remote sensing survey (magnetometer and side scan sonar) and snorkeler towboard survey of high potential wreck site areas 3) monitoring of known shipwreck and sunken aircraft sites for the purposes of understanding impacts and changes to maritime heritage sites. The first activity is a detailed investigation of a single wreck or archaeological site; the second is a broader search for previously un-located and undiscovered resources, the third allows for identification and inventory of maritime heritage sites, and the third will work to develop archaeological, observational and ecologically based methods of interpreting and monitoring maritime heritage sites in the NWHI.

b.) To accomplish this activity we would

This project is part of a continuing effort to conduct maritime heritage management activities in the Monument including inventory, and documentation of sites. Comprehensive non-invasive assessment surveys of previously located wreck sites allow managers to compile an inventory of critical and non-renewable historic resources. Of the possible 126 shipwreck and historic aircraft lost in the area, 17 have been confirmed by field investigation. To date inventory surveys of

eight of these 17 have been completed in the NWHI. Maritime heritage summaries of site surveys are available at <http://sanctuaries.noaa.gov/maritime> and upon request to the Monument Maritime Archaeologist. A simple low impact technique known as “baseline trilateration” is used to map wreck sites (see Methods). Sites selected for non-invasive survey in 2011 include the whaling ship Two Brothers, the British collier Dunnottar Castle (1886) and the British whale ship Gledstanes (1837) at Kure Atoll. Sites selected for environmental assessment include the SS Quartette at Pearl and Hermes Atoll, an unidentified whaling shipwreck site and the schooner Churchill at French Frigate Shoals, the British collier Dunnottar Castle (1886) at Kure Atoll and the submarine rescue vessel Macaw (1944) at Midway Atoll in addition to the sunken WWII era Corsair plane at Midway Atoll. (see Maps attached).

Remote sensing survey, the second basic method proposed for the 2011 survey, locates anomalies and potential maritime heritage resources for subsequent “ground-truth” site assessments. Data gathered from remote sensing work in 2011 will be used for the purposes of mapping seafloor habitat in addition to survey for maritime heritage resources. Generally areas in the seaward vicinity of the reef crest are chosen for initial remote sensing survey due to the high potential for wreck remains in those areas. Specific reef crest zones are determined by historical records of wreck events. The 2011 remote sensing survey will be conducted with a Klein Model 3000 side scan sonar and Marine Magnetics Explorer Mini Magnetometer. The side scan sonar will be used during searches for submerged cultural resource surveys at Nihoa, Lisianski, Pearl and Hermes Atoll, French Frigate Shoals, Midway and Kure Atolls will effectively image the sandy seafloor areas explored in the atolls. A mosaic of sidescan imagery will be created for the purposes of fine scale mapping of the benthic habitat at all locations surveyed. Alternatively, snorkeler tow boarding may be used to locate potential heritage resource sites in a similar manner.

The 2011 ecological survey work will expand on a pilot study begun in 2009, and continued in 2010 to environmentally assess maritime heritage sites in the Northwestern Hawaiian Islands as a means to develop a long term monitoring strategy based up on environmental factors. This study will help to characterize the shipwreck sites as environmental resources, which is a gap in resource management in PMNM.

c.) This activity would help the Monument by ...

2011 maritime heritage project data (site survey, remote sensing and monitoring) will contribute to the management inventory for the PMNM, as well as provide the program material for education and outreach efforts. Certain data generated by the survey is sensitive and will be protected from unregulated public distribution as determined by the PMNM (also see NHPA section 304). Maritime heritage survey will be conducted in compliance with the appropriate preservation regulations (National Historic Preservation Act, Archaeological Resources Protection Act, Antiquities Act, Sunken Military Craft Act et al) and satisfies federal and state mandates for heritage resource inventory of controlled waters. Monitoring work at maritime heritage sites in 2011 will assist managers in better understanding the interaction between these sunken sites and the ecosystem, as well as help to develop an understanding of their structural

integrity. 2011's environmental assessment of shipwreck sites will continue a project initiated in 2009 and will assist in setting up project for the further development of a shipwreck monitoring protocol for maritime heritage sites in the NWHI.

Other information or background: The 2011 maritime heritage survey is a multidisciplinary project including efforts to further inventory and assess shipwreck sites in the NWHI, and share these findings with the public in a responsible manner. Work in 2011 will serve to explore, further investigate and environmentally assess the maritime heritage sites in the Monument.

Currently, NOAA's Maritime Heritage Program is the only agency engaged in maritime heritage survey in the PMNM.

Over 60 shipwrecks have been reported lost in the PMNM, some dating back to 1805. Many of these wrecks may be important cultural or historical resources, capturing information about the maritime history of the region. Sites may furnish information about western seafaring, as well as Native Hawaiian seafaring, for many historic ships (such as whalers) recruited Native Hawaiians as skilled crew members. Due to the time required for careful site survey and the logistical constraints of research cruises, often only portions of the required mapping/survey work at each site can be completed during each season. Completed site assessments are the most effective heritage resource survey tool.

Survey work in 2011 will continue upon efforts initiated in 2002 with the first maritime heritage resource survey in the Northwestern Hawaiian Islands. Subsequent work continued in 2003, and then annually since 2005. The planned survey work to be conducted in 2010 will continue these efforts, focusing on non-invasive non-excavation data recording at selected heritage sites at Kure, Midway, Pearl and Hermes Atoll, Lisianski, Nihoa and French Frigate Shoals, Laysan and Maro Reef.

Without an understanding of the resource base, without an accurate inventory of significant heritage material, maritime heritage resource management is impossible. Historic shipwrecks are subject to natural deterioration as well as intentional or inadvertent damage (dredging, looting, re-use). The first step in management is to create a resource inventory by confirming identification of sites. The next step is to conduct site assessment, characterizing the nature of the resource. Inventory and assessment are heritage preservation actions common to a number of federal and state programs. The 2011 research therefore supports cultural and historical management efforts on behalf of the different agencies of the Monument Management Board. This survey specifically addresses mandates for maritime heritage resource inventory as stated in the the draft PMNM Management Plan. 2011 work will also include significant education and outreach initiatives.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Gleason, Kelly, A.

Title: Maritime Archaeologist, Papahānaumokuākea Marine National Monument

1a. Intended field Principal Investigator (See instructions for more information):

Dr. Kelly Gleason

2. Mailing address (street/P.O. box, city, state, country, zip):

[REDACTED]

Phone:

[REDACTED]

Fax:

[REDACTED]

Email:

[REDACTED]

For students, major professor's name, telephone and email address:

3. Affiliation (institution/agency/organization directly related to the proposed project):

PMNM/NOAA/ONMS

4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):

- 1) To be determined (research diver/maritime archaeologist)
- 2) To be determined (research diver/maritime archaeologist)
- 3) To be determined (research diver/maritime archaeologist)

Section B: Project Information

5a. Project location(s):

<input checked="" type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> French Frigate Shoals	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Maro Reef			
<input checked="" type="checkbox"/> Laysan Island	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Midway Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Kure Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input checked="" type="checkbox"/> Deep water
<input type="checkbox"/> Other			

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

Special note: specific location (latitude/longitude) for historically significant heritage resources is sensitive data—not to be distributed publicly. Locations for 2010 maritime heritage work have been provided to the Monument Permit Coordinator.

5b. Check all applicable regulated activities proposed to be conducted in the Monument:

- ☒ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- ☐ Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- ☒ Anchoring a vessel
- ☐ Deserting a vessel aground, at anchor, or adrift
- ☐ Discharging or depositing any material or matter into the Monument
- ☐ Touching coral, living or dead
- ☐ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- ☐ Attracting any living Monument resource

- ☐ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- ☐ Subsistence fishing (State waters only)
- ☒ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

6 Purpose/Need/Scope *State purpose of proposed activities:*

Over 60 shipwrecks have been recorded in the NWHI, some dating back to 1805. Many of these wrecks are important cultural resources, capturing the maritime history of the region. Furthermore, state and federal preservation legislation mandate the surveying of historic shipwreck sites and the production of submerged cultural resource management plans for historically significant material. Due to time constraints in the NWHI, surveys of any sites can only be partially completed during any single season. The work to be conducted in 2011 will continue upon investigation from previous years, conduct remote sensing survey and towboard surveys for the possible discovery of new historic resource sites, and recover an artifact for the purposes of identification of a shipwreck site, and environmental assessment of shipwreck and sunken aircraft sites for the purposes of developing a pilot project for future studies and the development of a long term monitoring project for maritime heritage sites in the Monument.

The proposed work is part of the long term archaeological survey for maritime heritage resources in Papahānaumokuākea Marine National Monument. Federal preservation initiatives mandate the inventory, assessment and protection of cultural, archaeological, and historical resources within federally managed waters. 2011 proposed survey features non-invasive recording techniques for the discovery, identification and assessment of submerged heritage resources as part of this mandate.

The purpose of the 2011 survey is to better understand the existing maritime heritage resources in the Monument. Inventory and site assessment are critical parts of resource management and ocean stewardship. The Maritime Heritage Survey team plans to continue non-invasive survey of selected maritime heritage resource sites initiated in previous field seasons in the NWHI and attempt to identify unknown sites, and survey for new shipwreck and sunken aircraft sites. Additionally, the 2011 survey will continue

efforts to take Monument maritime heritage research in a new direction with the multidisciplinary survey of the shipwreck sites in the NWHI.

7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

The activity will be conducted with adequate safeguards for the resources and ecological integrity of the Monument. This project is part of a continuing effort to identify, interpret and protect maritime heritage resources in the Papahānaumokuākea Marine National Monument. Proposed heritage work in the NWHI emphasizes a low-impact approach, to an extent consistent with the Monument's conservation goals and objectives. Section 106 NHPA compliance will be submitted to the State Historic Preservation Office and OHA for review. NEPA permit is pending for this activity.

All maritime heritage scientists will participate in a cultural briefing prior to entering the Monument. The team will respect all resources both natural and cultural. The primary permittee will consult with OHA and the Native Hawaiian Coordinator at the PMNM on cultural sensitivities, as well as the applicability of these activities to OHA and the Native Hawaiian Coordinator's efforts for the PMNM. No archaeological work will take place near any known native Hawaiian archaeological sites. If any native Hawaiian sites should be discovered, the proper experts will be notified and consulted immediately. Plans to collaborate with cultural practitioners on board the vessel will allow for further understanding and interpretation of the cultural significance of the Monument.

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?

The proposed project will have minimal impact on the resources of the region. The research consists primarily of non-invasive visual surveys. This research is being conducted in concert with the priorities listed in the Maritime Heritage Action Plan of the Monument's Management Plan (inventory and assessment, as well as education and outreach). The strategies proposed are designed to increase our understanding of maritime heritage resources and foster effective and protective management in the Monument. This project will also include multidisciplinary and partnership efforts towards increasing stewardship and enhancement of Monument goals and resources.

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.

There is no practicable alternative to conducting the activities in the Monument. Annual maritime heritage surveys are necessary to identify, document and protect the maritime heritage resources in the Papahānaumokuākea Marine National Monument. Additionally, these surveys contribute to education and outreach efforts regarding maritime heritage resources in the PMNM. These activities directly relate to activities in the Monument's management plan.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

The proposed activities have been identified as vital to the future management of the Monument and will have no adverse impact on the resources, qualities and ecological integrity of the Monument. Additionally, the opportunity to conduct important education and outreach activities through web presence, presentations and articles will assist in Monument's efforts to promote stewardship and protection of resources, both natural and cultural. The 2011 survey will include collaboration with an ecologist conducting multidisciplinary research on maritime heritage sites. This project will serve to develop a multi-dimensional approach to understanding these shipwreck and aircraft sites in the NWHI.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

A minimal amount of time will be spent at each location depending on weather and oceanographic conditions.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

Personnel included in this permit application have extensive experience conducting research in the Monument, and with all archaeological and ecological methods that will be utilized. This is a continuance of a multi-year project. All methods are primarily non-invasive. OHA and cultural practitioners will be consulted in order to further avoid any potential impacts.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

This cruise and subsequent data analyses are supported by an allocation of 60 days at sea aboard the NOAA ship HIIALAKAI from NOAA's Office of Marine and Aviation Operations, a line item in the budget of NOAA's Papahānaumokuākea Marine National Monument, and an allocation of funds from NOAA's Coral Reef Conservation Program to NOAA Pacific Islands Fisheries Science Center. Additionally, remote sensing survey work to be conducted at Midway Atoll will be supported by a grant from the American Battlefield Protection Program to survey and document sites associated with the Battle of Midway.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

The research consists primarily of non-invasive surveys. OHA and cultural practitioners will be consulted in order to further avoid any potential impacts.

i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

The NOAA research vessel Hi'ialakai has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of the Presidential Proclamation 8031.

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

There are no other factors that would make the issuance of a permit for the activities inappropriate.

8. Procedures/Methods:

Methods:

Individual site assessment survey, remote sensing survey and still photography are primary objectives, and monitoring and site/environmental data are secondary objectives, of the proposed 2011 maritime heritage project. Where possible, survey locations are prioritized, providing flexible alternatives in case of rough weather, other mission priorities, etc. The following methods will be employed for each of the four proposed 2011 objectives:

1) site assessment survey

Baseline trilateration and measured sketching will provide data for the initiation of the site map. Trilateration and the creation of a site map consists of sketching major features and measuring distances between artifacts in reference to a fixed temporary baseline, and is a time-consuming task. Divers deploy a temporary baseline, replicating previous surveys by attaching the baseline to fixed stainless steel datums. Survey tapes, slates with mylar "paper," and pencils and then used to triangulate the position of all artifacts in reference to the fixed reference line. In addition, digital photography are used to document feature and artifact details, as well as record the survey process itself. Artifacts and features are temporarily tagged with numbers and photographed in-place. Also, hand-held metal detectors are used to confirm/eliminate the presence of iron within sediments or substrate, and limited hand fanning of loose sediments and

limited sediment probing is used to record details of artifacts and site boundaries. Typically, remote sensing survey methods are also employed in the vicinity when available to help determine site boundaries during individual site survey.

Equipment: Underwater slates
Transect tapes
Pencils
Folding rulers
Gear bags
Open-circuit scuba
Photo scales
Plastic artifact tags
Garmin GPS units and waterproof boxes
Pelican marker floats
Site buoy

2) remote sensing survey

Remote sensing survey locates anomalies and potential maritime heritage resources for subsequent site assessments. The surface vessel tows a remote magnetometer sensor (towfish) on linear parallel tracks at or near the surface for shallow zones, recording variations in the localized magnetic field (gamma). The data is processed shipboard. A second alternative, diver tow boarding, though not technically "remote sensing" (divers in the water doing real-time visual survey), is sometimes used to supplement normal remote sensing. Diver survey is particularly helpful in shallow areas of extreme topographical variation. Any potential diver tow boarding operations during 2011 will be conducted only following established training provided by NOAA NMFS and along established NOAA NMFS tow boarding protocols for the NWHI.

Equipment: Marine Magnetics Explorer Mini Magnetometer

Klein Model 3000 Side Scan Sonar
Tow boards
Laptop
HyPack survey software
Honda eu2000i generator or marine 12v batteries

3) monitoring sites

Monitoring sites employs a small subset of the same methods used for initial site survey. Slates, tapes, and (if necessary) temporary re-deployment of the baseline are used to confirm possible movement of features or artifacts. Digital photography is used to generate comparative data on the condition of features and changes to the natural environment (sediment level, etc.).

Equipment: Underwater slates
Transect tapes
Pencils
Gear bags
Camera
Site buoy

NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, contact the Monument office on the first page of this application.

9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

& size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

9b. What will be done with the specimens after the project has ended?

9c. Will the organisms be kept alive after collection? ☐ Yes ☐ No

• General site/location for collections:

• Is it an open or closed system? ☐ Open ☐ Closed

• Is there an outfall? ☐ Yes ☐ No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

10. If applicable, how will the collected samples or specimens be transported out of the Monument?

11. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:

12. List all specialized gear and materials to be used in this activity:

13. List all Hazardous Materials you propose to take to and use within the Monument:

N/A

14. Describe any fixed installations and instrumentation proposed to be set in the Monument:

N/A

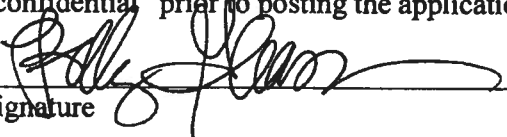
15. Provide a time line for sample analysis, data analysis, write-up and publication of information:

Initial results will be reported in the Cruise Report. Site reports resulting from this cruise will be finalized by June 2012. Data from this project will consist of trilateration site maps, digital still images and digital video images. A summary descriptive project report (activity report) including abstract, major accomplishments, participants, activity log, results of work to date, and proposed schedule of final report will be completed by December 1, 2011, within three months of the end of the expedition. A final report including heritage background, site descriptions, methodology, results, project evaluation and recommendations for maritime heritage resource management will be completed by July 2011. Data and report from this proposal will be sufficient to provide presentations at annual maritime history and maritime archaeology symposiums (for example Society for Historical Archaeology, Society for Hawaiian Archaeology, Symposium on the Maritime Archaeology and History of Hawai'i and the Pacific), and presentations will be made available upon request. Preservation-related data from the 2011 field season will also contribute to heritage preservation material on the Monument's Maritime Heritage Program web page (www.papahanaumokuakea.gov). .

16. List all Applicant's publications directly related to the proposed project:

None.

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as "confidential" prior to posting the application.

 _____
Signature Date 1/31/2011

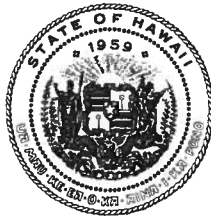
**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE
BELOW:**

Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
FAX: (808) 397-2662

DID YOU INCLUDE THESE?

- ☒ Applicant CV/Resume/Biography
- ☐ Intended field Principal Investigator CV/Resume/Biography
- ☒ Electronic and Hard Copy of Application with Signature
- ☒ Statement of information you wish to be kept confidential
- ☐ Material Safety Data Sheets for Hazardous Materials

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

July 22, 2011

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT


GUY KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson

FROM:  Francis Oishi
Division of Aquatic Resources

SUBJECT:

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT
PERMIT TO DR. KELLY GLEASON, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION,
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT, FOR ACCESS TO STATE WATERS TO
CONDUCT MARITIME HERITAGE ACTIVITIES UNDER PERMIT PMNM-2011-024.

The following permitted activities are found to be exempted from preparation of an
environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Papahānaumokuākea Marine National Monument Conservation and Management Permit to Dr.
Kelly Gleason, National Oceanic and Atmospheric Administration (NOAA),
Papahānaumokuākea Marine National Monument, for Access to State Waters to Conduct
Maritime Heritage Activities

Permit Number: PMNM-2011-024

Project Description:

The conservation and management permit application, as described below, would allow entry
and activities to occur in Papahānaumokuākea Marine National Monument (Monument),
including the NWHI State waters from August 1, 2011 through October 31, 2011.

This is an effort to conduct surveys through the use of SCUBA of maritime heritage sites in the
Monument. Activities would include visual and remote sensing surveys consisting of three main
components. The first would be a proposed detailed investigation of a single wreck or
archaeological site; the second would be a broader search for previously un-located and

ITEM F-1b

undiscovered resources, and the third would allow for the identification and inventory of maritime heritage sites. In addition, the third would work to develop archaeological observational and ecologically based methods of interpreting and monitoring maritime heritage sites in the NWHI.

The proposed activities are in direct support of the Monument Management Plan's priority management need 3.1 – Understanding and Interpreting the NWHI (through action plan 3.1.4 – Maritime Heritage). This action plan calls for “strategies and activities for addressing maritime heritage resource and protection needs in the monument” and includes strategies such as “studying and protecting maritime heritage resources begin(ing) with basic documentary research and field site surveys”. Activities to support this understanding such as the site assessments, remote sensing, and monitoring proposed to be carried out by the permittee, are also addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI. This EA specifically covers field activities, such as those being proposed, that will “identify wreck sites” (PMNM MMP Vol 2, p.172). This EA summarizes that field activities could have a short-term minor negative effect due to disturbance, but recognizes that these activities occur over a short period of time and once complete the areas would be restored, with no lasting negative effects (PMNM MMP Vol. 2, p. 162-3).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 10th, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-(8), including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit, including wreck site assessment surveys, remote sensing surveys and monitoring of known shipwreck and sunken aircraft sites, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, maritime heritage monitoring, must be grouped together and evaluated as a single action. HAR § 11-200-7. Since this permit involves an activity that is precedent to a later planned activity, i.e. the continuation of maritime heritage monitoring activities, the categorical exemption determination here will treat all planned activities as a single action.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 11-200-8, HAR, provide for a list of

classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” This exemption class has been interpreted to include “surveys, censuses, inventories, studies, photographing, recording, sampling, collection”, such as those being proposed.

The proposed survey and recovery activities here appear to fall squarely under the exemption class #5, exempt item #5 as described under the former Fish and Game Division exemption list published in January 19, 1976. As discussed below, no significant disturbance to any environmental resource is anticipated in the sampling of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

The activities would be a continuation of work previously conducted by this applicant and others, which involved monitoring and evaluation activities to characterize maritime heritage resources. Permits have been issued for this work each year to this Applicant since 2009, under another applicant since 2006, and it is likely that future requests for permits will be received to continue this work. No deleterious effects have resulted from these activities in the past. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities would be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities

The activities would be conducted from the NOAA Ship HI'IALAKAI (PMNM-2011-009) during its September cruise. The following table lists additional activities that are anticipated to take place on this cruise pending approval of permit applications.

Table 1. Concurrent Projects Aboard NOAA SHIP HI'IALAKAI

Permit	Purpose and Scope	Location
PMNM-2011-009 NOAA Ship HI'IALAKAI	The permit allows NOAA Ship HI'IALAKAI entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2011-018 Meyer (proposed)	The proposed action is to allow collection of reef fish and tagging of top predators as well as acoustic receiver deployment	All locations
PMNM-2011-019 Valenzuela (proposed)	The proposed action is to allow filming activities for use on public television stations	All locations
PMNM-2011-026 Rossiter (proposed)	The proposed action is to allow collection of live coral and fish.	All locations
PMNM-2011-038 Nakamoto (proposed)	The proposed action is to allow filming for Hawaii Skin Diver publications	All locations
PMNM-2011-42 Kosaki (proposed)	The proposed action is to allow collection of unidentifiable specimens located on deep reefs	All locations
PMNM-2011-025 Bowen (proposed)	The proposed action is to allow collection of specific reef fish, invertebrate and algal species	All locations

This is the only maritime heritage survey and monitoring activity proposed. Three other proposed projects (PMNM-2011-019, PMNM-2011-038, and PMNM-2011-030) would include filming, but their activities would not overlap with the underlying scope of this project as understood by its basis, scope, and outcomes. The fore mentioned filming would focus on outreach and education outcomes, while this proposed activity would focus on resource evaluation as a tool for managing these resources. In addition, none of the other permits would be surveying or accessing maritime heritage sites


The culmination of these permits, and their disparate activities, occurring throughout the Monument over a 4-week period, is not anticipated to have significant cumulative impacts. The NOAA Ship OSCAR ELTON SETTE (PMNM-2011-008) may also be in the Monument during this time frame facilitating needs of the monk seal camps under the management permit (PMNM-2011-001).

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will Probably be Minimal and Insignificant.

Again, any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all research activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.



William J. Aila, Jr.
Chairperson, Board of Land and Natural Resources

7/12/14

Date

Papahānaumokuākea Marine National Monument Compliance Information Sheet

1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant):

- 1. Kelly Gleason**
- 2. Greg McFall**
- 3. Randy Kosaki**
- 4. Yannis Papastamatiou**
- 5. Keo Lopes**

2. Specific Site Location(s): (Attach copies of specific collection locations):

- 1) Nihoa
- 2) French Frigate Shoals
- 3) Gardner Pinnacles
- 4) Maro Reef
- 5) Lisianski Island
- 6) Pearl and Hermes Atoll
- 7) Midway Atoll

3. Other permits (list and attach documentation of all other related Federal or State permits): State of Hawaii DLNR Section 106 Compliance (Pending)

3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation. N/A

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):

5. Time frame:

Activity start: 8/29/2011

Activity completion: 9/22/2011

Dates actively inside the Monument:

From: 8/29/2011

To: 9/22/2011

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Ship schedule changes (due to maintenance, etc.)

Personnel schedule in the Monument:

6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument: N/A (Federal Government work)

7. Check the appropriate box to indicate how personnel will enter the Monument:

☒ Vessel

☐ Aircraft

Provide Vessel and Aircraft information: NOAA vessel Hi'ialakai

8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):

☒ Rodent free, Date:

☒ Tender vessel, Date:

☒ Ballast water, Date:

☒ Gear/equipment, Date:

☒ Hull inspection, Date:

9. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

Vessel name:

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:
Vessel type:
Call sign:
Embarkation port:
Last port vessel will have been at prior to this embarkation:
Length:
Gross tonnage:
Total ballast water capacity volume (m3):
Total number of ballast water tanks on ship:
Total fuel capacity:
Total number of fuel tanks on ship:
Marine Sanitation Device:
Type:

Explain in detail how you will comply with the regulations regarding discharge in the Monument. Describe in detail. If applicable, attach schematics of the vessel's discharge and treatment systems: N/A

Other fuel/hazardous materials to be carried on board and amounts: N/A

Provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. Also describe VMS unit name and type:

VMS Email:
Inmarsat ID#:

* Individuals MUST ENSURE that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 203-2503 or (808) 203-2500.

* PERMITS WILL NOT BE ISSUED TO INDIVIDUALS ENTERING THE MONUMENT VIA VESSEL UNTIL NOAA OLE HAS CONTACTED THE MONUMENT PERMIT COORDINATOR WITH A 'POSITIVE CHECK' READING.

10. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors:

Additional Information for Land Based Operations

11. Proposed movement of personnel, gear, materials, and, if applicable, samples:

12. Room and board requirements on island:

13. Work space needs:

DID YOU INCLUDE THESE?

- ☐ Map(s) or GPS point(s) of Project Location(s), if applicable
- ☐ Funding Proposal(s)
- ☐ Funding and Award Documentation, if already received
- ☐ Documentation of Insurance, if already received
- ☐ Documentation of Inspections
- ☐ Documentation of all required Federal and State Permits or applications for permits